IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1527 OF 2005

Smt. Kausalya Sampat ...Applicant

Versus

The Vasant Sahakari Bank Ltd.
and others ...Respondents

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Mangal Bhandari i/b M/s. J.R. Vakil & Associates, Advocate for Applicant

Mr. Shivajirao Misal, Advocate for Respondent No.1

Mr. S.S. Pednekar, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 8TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The applicant has prayed for quashing of Criminal Case No. 66/S of 2003 which is pending in the Court of learned Metropolitan Magistrate, 29th Court, Dadar, Mumbai. In the said case, process has been issued against the applicant under Section 138 of Negotiable Instruments Act. If the process issued against the applicant is set aside, the proceedings in respect of the applicant would come to an end. The learned advocate for the applicant has submitted that the learned Magistrate committed an error in

issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 8th June, 2005 passed in Criminal Application No.645 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. In order to enable the applicant to prefer necessary revision, the proceedings before the trial Court are stayed for a period of two weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the necessary parties.

6. Office to issue authenticated copy of this order to the parties.

7. Criminal application is disposed of.

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